

Remarks/Arguments:

Election/Restrictions

In the Office Action, restriction was required, under 35 U.S.C. 121, to restrict the application to one of the following identified inventions:

- I. Claims 27-34, 89-102, drawn to having a plurality of contiguous regions served by respective fixed stations, classified in class 370, subclass 338.
- II. Claims 1-8 and 45-88 drawn to arbitration for access to a channel, in priority solution classified in class 370, subclass 462, 455.
- III. Claims 9-26, 35-44 and 103-115, drawn to using multiple antenna at a station, classified in class 370, subclass 334.

Applicant elects Invention III, without traverse. The elected claims include Claims 9-26, 35-44 and 103-115.

By this election, Claims 1-8, 27-34 and 45-102, are withdrawn from consideration. Applicant expressly reserves the right to pursue these claims and limitations of those claims, in claims of this application in further prosecution or in additional applications filed by the Applicant.

CONCLUSION

In light of the above remarks, Applicant believes that the application, as amended, is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to allowance.

This response is being filed with a fee and an extension of time to reply to the Office Action for 3 months, as well as a petition to revive an unintentionally abandoned application, and the fee appropriate thereto. Applicant authorizes any required fees requested to be charged to Deposit Account 50-1577.

If the Examiner has any questions regarding this communication, he is invited to contact the undersigned at (916) 930-2585.

Date: October 29, 2009

Bullivant Houser Bailey PC
1415 L Street, Suite 1000
Sacramento, California 95814
Tel.: (916) 930-2585
Fax: (916) 930-2501

Respectfully submitted,

By:

Carl J. Schwedler, Reg. No.: 36,924

11525558.1